

REMARKS

The Official Action mailed February 4, 2006, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Filed concurrently herewith is a *Request for Continued Examination*. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statements filed on December 8, 2003; August 23, 2004; and January 21, 2005.

Claims 6-30 are pending in the present application, of which claims 6, 12, 17 and 23 are independent. Claims 6, 12, 17 and 23 have been amended to better recite the features of the present invention. Accordingly, claims 6-30 are now pending in the present application. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

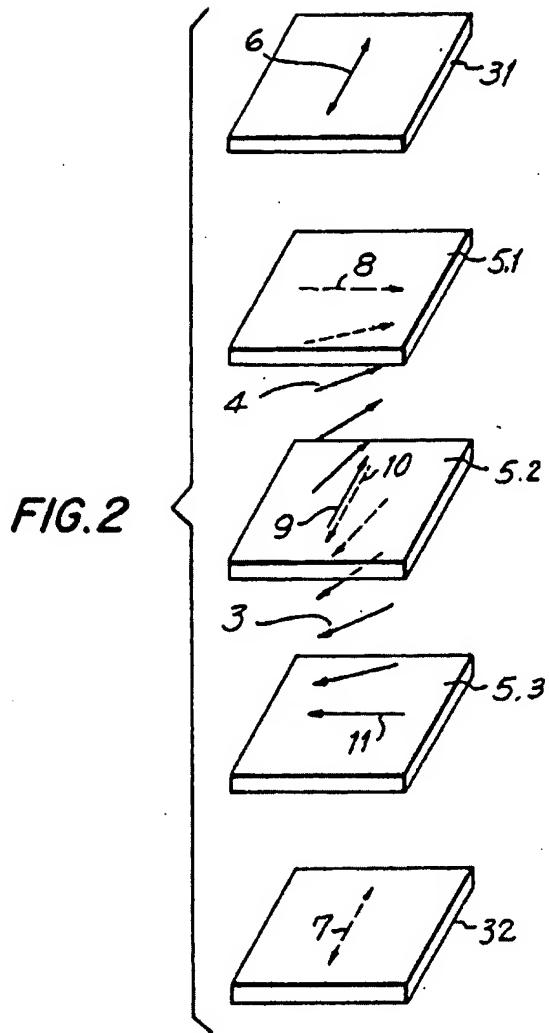
The Official Action rejects claims 6-30 as obvious based on the combination of U.S. Patent No. 4,231,639 to Banda, U.S. Patent No. 4,878,742 to Ohkubo and U.S. Patent No. 5,250,214 to Kanemoto. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some reason, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some reason to do so found either explicitly or implicitly in the references themselves or in the knowledge generally

available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claims 6, 12, 17 and 23 have been amended to recite one liquid crystal layer provided between a pair of substrates and comprising a nematic liquid crystal; and orientation films having antiparallel orientation directions to each other, where the one liquid crystal layer is in contact with each of the orientation films. For the reasons provided below, Banda, Ohkubo and Kanemoto, either alone or in combination, do not teach or suggest the above-referenced features of the present invention.

The Official Action concedes that "Banda fails to teach (a) forming spacing between said substrates is less than 3.5  $\mu\text{m}$ ; and (b) the orientation films with a surface tension of 40 dyne/cm or more; and (c) forming their device as a reflective-type display device" (page 3, Paper No. 20080201). Also, in the "Response to Arguments" section, the Official Action concedes that "Banda does teach or suggest a display cell comprising a plurality of liquid crystal layers 3&4 ... (5.1 is upper substrate and 5.3 is lower substrate while 5.2 is intermediate plate)" (page 5, Id.; Figure 2 reproduced below).



That is, the Official Action appears to be asserting that the liquid crystal layers 3 and 4 of Banda correspond with the liquid crystal layer of the present claims, and that the transparent base plates 5.1 and 5.3 of Banda correspond with the orientation films of the present claims. However, since Banda discloses a plurality of liquid crystal layers 3 and 4 between plates 5.1 and 5.3, Banda does not teach or suggest one liquid crystal layer provided between a pair of substrates, where the one liquid crystal layer is in contact with each of orientation films having antiparallel orientation directions to each other.

Ohkubo and Kanemoto do not cure the deficiencies in Banda. The Official Action relies on Ohkubo to allegedly teach "(a) forming spacing between said substrates is less than 3.5  $\mu\text{m}$ " (*Id.*) and on Kanemoto to allegedly teach "forming the orientation film with a surface tension of not smaller than 40 dyne/cm" (*Id.*). However, Banda, Ohkubo and Kanemoto, either alone or in combination, do not teach or suggest the following features or that Banda should be modified to include the following features: one liquid crystal layer provided between a pair of substrates and comprising a nematic liquid crystal; and orientation films having antiparallel orientation directions to each other, where the one liquid crystal layer is in contact with each of the orientation films.

Since Banda, Ohkubo and Kanemoto do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
Eric J. Robinson  
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.  
PMB 955  
21010 Southbank Street  
Potomac Falls, Virginia 20165  
(571) 434-6789